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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,308	02/13/2004	Naoto Ohshima	Q79557	5513
23373	7590	04-07/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LE, HOA VAN	
			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,308

Applicant(s)

OHSHIMA ET AL

Examiner

Hoa V. Le

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. 10/412,418.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 13 February 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

This application is before the examiner for consideration on the merits.

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al (6,284,446).

Yoshida et al disclose, teach, demonstrate and reduce to practice with a method for obtaining an image of an exposed silver halide color photographic material comprising the step of color developing, blixing (combined functions of bleaching and fixing) and rinsing (washing or final wet processing). The material comprises a support having thereon at least three blue-, green- and red-sensitive layer containing yellow, magenta and cyan couplers respectively and a non-photosensitive hydrophilic colloid layer. The blue-sensitive layer contains more than 90 mol% of silver chloride, less than 1 mol% of silver iodide and silver halide grains of 0.6 microns or less in their sphere-equivalent diameter and a spectrally sensitizing agent being read within the claimed general formula VI. The color developing step is in less than 28 seconds. Please see the whole disclosure of the applied reference, especially at col.4:30-37, 5:19-22, 35:25-40, spectrally sensitizing dyes A and C on cols. 55 and 56, col.59:64 to 61:31, 67:20-30, Table 3 with Samples 105 to 109 and 111 to 112, 68:61 to 69:5, Table 5 with Samples 205–209 and 211-214, 76:6-8, 77:14-15.

Art Unit: 1752

Yoshida et al disclose, teach, demonstrate and reduce to practice with a rinsing step using a deionized water having an amount of a nearly or up to zero electric conductivity on col.68:65 to 69:4 and method for reducing calcium ion in a final wet processing step but fail to specify "calcium...rinsing step...5 mg/l or less" as that in claim 18. It is reasonable to one having ordinary skill in the art that a rinsing solution with almost all being water and an amount of nearly or up to zero electric conductivity would contain less than calcium in the absence of a convincing evidence to the contrary. The record shows that all works in Yoshida et al and in the instant application are done in Fuji Photo laboratory.

Since Yoshida et al are shown to be disclosed, taught, demonstrated and reduced to practice with the claimed embodiments, the claims are found to be anticipated by Yoshida et al.

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al (6,284,446) considered in view of Camp et al (6,296,995), Tanaka et al (5,460,931) and Ogawa (5,496,689).

The reasons for the rejection under 35 U.S.C. 102 in the paragraph "I" above is a basic for applied under 35 U.S.C. 103.

Yoshida et al disclose, teach, demonstrate and reduce to practice with a method for obtaining an image of an exposed silver halide color photographic material comprising the step

Art Unit: 1752

of color developing, blixing (combined functions of bleaching and fixing) and rinsing (washing or final wet processing). The material comprises a support having thereon at least three blue-, green- and red-sensitive layer containing yellow, magenta and cyan couplers respectively and a non-photosensitive hydrophilic colloid layer. The blue-sensitive layer contains more than 90 mol% of silver chloride, less than 1 mol% of silver iodide and silver halide grains of 0.6 microns or less in their sphere-equivalent diameter and a spectrally sensitizing agent being read within the claimed general formula VI. The color developing step is in less than 28 seconds. Please see the whole disclosure of the applied reference, especially at col.4:30-37, 5:19-22, 35:25-40, spectrally sensitizing dyes A and C on cols. 55 and 56, col.59:64 to 61:31, 67:20-30, Table 3 with Samples 105 to 109 and 111 to 112, 68:61 to 69:5, Table 5 with Samples 205-209 and 211-214, 76:6-8, 77:14-15.

Yoshida et al disclose, teach, demonstrate and reduce to practice with a rinsing step using a deionized water having an amount of a nearly or up or to zero electric conductivity on col.68:65 to 69:4 and method for reducing calcium ion in a final wet processing step but do specify "calcium...rinsing step...5 mg/l or less" as that in claim 18. It is reasonable to one having ordinary skill in the art that a rinsing solution with almost all being water and an amount of nearly or up to zero electric conductivity would contain less than calcium in the absence of a convincing evidence to the contrary. The record shows that all works in Yoshida et al and in the instant application are done in Fuji Photo laboratory.

Yoshida et al disclose, teach and suggest the of a metal doping sensitizing agent selected from iridium ion complex at col.36:32-34 but do not specify "6-coordination complex having Ir..." as that in claim 21. Camp et al col.22 :22-28 and 72 :12-13 is cited to show the known use

Art Unit: 1752

of iridium ion complex sensitizing agent for the advantage of obtaining high sensitivity to one having ordinary skill in the art.

Yoshida et al disclose, teach and suggest the use of a semiconductor exposing equipment for the advantage of an inexpensive apparatus, duration and stability on col.41 35-39 but do not specify “wavelength of 43- to 460 nm” in blue sensitivity range as that in claim 22. Tanaka et al at col.13:24-25 to cite the known use of semiconductor laser having a wavelength in the range of about 442 nm in a blue sensitivity range in order to obtain a sharp and contrastive blue image to one having ordinary skill in the art.

Yoshida et al disclose, teach and suggest a rapid process of an exposed silver halide color photographic material but do not specify “development step...start within 9 seconds after...exposure” as that in claim 23. Ogawa at col.1:16-17, 4:5-6 and 10:49-50 is cited to show the known use of a rapid development after an exposure in order to quickly obtain an image to one having ordinary skill in the art.

Since the above references are all related to rapidly obtaining images after an image exposure, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use or cite the known use of a iridium ion complex sensitizing agent from Camp et al for a reasonable expectation of obtaining high sensitivity on a photographic material as disclosed, taught, suggested in Camp et al, a semiconductor layer exposure in a blue sensitive range from Tanaka et al for a reasonable expectation of obtaining sharp and contrastive blue image as disclosed, taught and suggested in Tanaka et al and a rapid development after an image exposure from Ogawa for a reasonable expectation of obtaining an image rapidly.

Art Unit: 1752

III. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
31 March 2005

HOA VAN LE
PRIMARY EXAMINER

